

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH VERNON HOLMSTROM,

Defendant.

CR 20–39–M–DWM–2

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on October 20, 2021. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

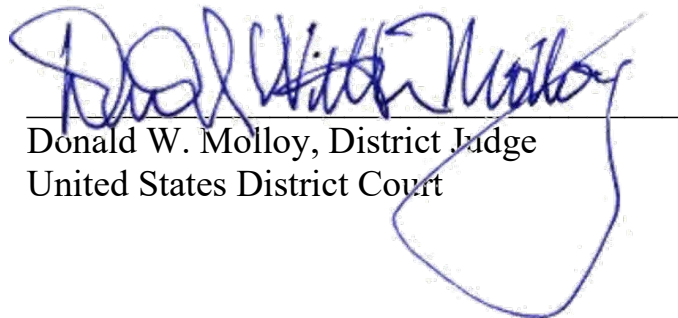
Judge DeSoto recommended this Court accept Joseph Vernon Holmstrom’s guilty plea after Holmstrom appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of transportation

of stolen firearms and ammunition in violation of 18 U.S.C. § 922(i) and § 2 (Count I), and one count of possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count IV), as set forth in the Indictment filed against him. In exchange for Defendant's plea, the United States has agreed to dismiss Count III of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 87), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Joseph Vernon Holmstrom's motion to change plea (Doc. 77) is GRANTED. Joseph Vernon Holmstrom is adjudged guilty as charged in Counts I and IV of the Indictment.

DATED this 4th day of November, 2021.



Donald W. Molloy, District Judge
United States District Court